



General Assembly

January Session, 2007

***Raised Bill No. 7273***

LCO No. 4789

\* \_\_\_\_HB07273ED\_\_\_\_032707\_\_\_\_\*

Referred to Committee on Education

Introduced by:  
(ED)

***AN ACT CONCERNING SUSPENSIONS AND EXPULSIONS BY LOCAL  
AND REGIONAL BOARDS OF EDUCATION.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. Section 10-233c of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2007*):

3       (a) Any local or regional board of education may authorize the  
4       administration of the schools under its direction to suspend from  
5       school privileges any pupil whose conduct on school grounds or at a  
6       school sponsored activity is violative of a publicized policy of such  
7       board or is seriously disruptive of the educational process or  
8       endangers persons or property or whose conduct off school grounds is  
9       violative of such policy and is seriously disruptive of the educational  
10      process. In making a determination as to whether conduct is seriously  
11      disruptive of the educational process, the administration may consider,  
12      but such consideration shall not be limited to: (1) Whether the incident  
13      occurred within close proximity of a school; (2) whether other students  
14      from the school were involved or whether there was any gang  
15      involvement; (3) whether the conduct involved violence, threats of  
16      violence or the unlawful use of a weapon, as defined in section 29-38,

17 and whether any injuries occurred; and (4) whether the conduct  
 18 involved the use of alcohol. Any such board may authorize the  
 19 administration to suspend transportation services for any pupil whose  
 20 conduct while awaiting or receiving transportation to and from school  
 21 endangers persons or property or is violative of a publicized policy of  
 22 such board. Unless an emergency exists, no pupil shall be suspended  
 23 without an informal hearing by the administration, at which such  
 24 pupil shall be informed of the reasons for the disciplinary action and  
 25 given an opportunity to explain the situation, provided nothing herein  
 26 shall be construed to prevent a more formal hearing from being held if  
 27 the circumstances surrounding the incident so require, and further  
 28 provided no pupil shall be suspended more than ten times or a total of  
 29 fifty days in one school year, whichever results in fewer days of  
 30 exclusion, unless such pupil is granted a formal hearing pursuant to  
 31 sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency  
 32 situation exists, such hearing shall be held as soon after the suspension  
 33 as possible.

34 (b) In determining the length of a suspension period, the  
 35 administration may receive and consider evidence of past disciplinary  
 36 problems which have led to removal from a classroom, suspension or  
 37 expulsion of such pupil.

38 (c) Whenever any administration suspends a pupil, such  
 39 administration shall [within] not later than twenty-four hours after the  
 40 suspension notify the superintendent or such superintendent's  
 41 designee as to the name of the pupil against whom such disciplinary  
 42 action was taken and the reason therefor.

43 (d) Any pupil who is suspended shall be given an opportunity to  
 44 complete any classwork including, but not limited to, examinations  
 45 which such pupil missed during the period of suspension.

46 (e) For any pupil who is suspended for the first time pursuant to  
 47 this section and who has never been expelled pursuant to section 10-  
 48 233d, as amended by this act, the local or regional board of education

49 may shorten the length of or waive the suspension period if the pupil  
 50 successfully completes a board specified program and meets any other  
 51 conditions required by the board.

52 [(e)] (f) Whenever a pupil is suspended pursuant to the provisions  
 53 of this section, notice of the suspension and the conduct for which the  
 54 pupil was suspended shall be included on the pupil's cumulative  
 55 educational record. Such notice shall be expunged from the cumulative  
 56 educational record by the local or regional board of education if a  
 57 pupil graduates from high school, or in the case of a suspension of a  
 58 pupil for which the length of the suspension period is shortened or the  
 59 suspension period is waived pursuant to subsection (e) of this section,  
 60 such notice shall be expunged from the cumulative educational record  
 61 by the local or regional board of education (1) if the pupil graduates  
 62 from high school, or (2) if the board so chooses, at the time the pupil  
 63 completes the board specified program and meets any other conditions  
 64 required by the board pursuant to said subsection (e), whichever is  
 65 earlier.

66 Sec. 2. Section 10-233d of the general statutes is repealed and the  
 67 following is substituted in lieu thereof (*Effective July 1, 2007*):

68 (a) (1) Any local or regional board of education, at a meeting at  
 69 which three or more members of such board are present, or the  
 70 impartial hearing board established pursuant to subsection (b) of this  
 71 section, may expel, subject to the provisions of this subsection, any  
 72 pupil whose conduct on school grounds or at a school-sponsored  
 73 activity is violative of a publicized policy of such board or is seriously  
 74 disruptive of the educational process or endangers persons or property  
 75 or whose conduct off school grounds is violative of such policy and is  
 76 seriously disruptive of the educational process, provided a majority of  
 77 the board members sitting in the expulsion hearing vote to expel and  
 78 that at least three affirmative votes for expulsion are cast. In making a  
 79 determination as to whether conduct is seriously disruptive of the  
 80 educational process, the board of education or impartial hearing board  
 81 may consider, but such consideration shall not be limited to: (A)

82 Whether the incident occurred within close proximity of a school; (B)  
 83 whether other students from the school were involved or whether  
 84 there was any gang involvement; (C) whether the conduct involved  
 85 violence, threats of violence or the unlawful use of a weapon, as  
 86 defined in section 29-38, and whether any injuries occurred; and (D)  
 87 whether the conduct involved the use of alcohol.

88 (2) Expulsion proceedings pursuant to this section, except as  
 89 provided in subsection (i) of this section shall be required whenever  
 90 there is reason to believe that any pupil (A) on school grounds or at a  
 91 school sponsored activity, was in possession of a firearm, as defined in  
 92 18 USC 921, as amended from time to time, or deadly weapon,  
 93 dangerous instrument or martial arts weapon, as defined in section  
 94 53a-3, (B) off school grounds, did possess such a firearm in violation of  
 95 section 29-35 or did possess and use such a firearm, instrument or  
 96 weapon in the commission of a crime under chapter 952, or (C) on or  
 97 off school grounds, offered for sale or distribution a controlled  
 98 substance, as defined in subdivision (9) of section 21a-240, whose  
 99 manufacture, distribution, sale, prescription, dispensing, transporting  
 100 or possessing with intent to sell or dispense, offering, or administering  
 101 is subject to criminal penalties under sections 21a-277 and 21a-278.  
 102 Such a pupil shall be expelled for one calendar year if the local or  
 103 regional board of education or impartial hearing board finds that the  
 104 pupil did so possess or so possess and use, as appropriate, such a  
 105 firearm, instrument or weapon or did so offer for sale or distribution  
 106 such a controlled substance, provided the board of education or the  
 107 hearing board may modify the period of expulsion for a pupil on a  
 108 case by case basis, and as provided for in subdivision (2) of subsection  
 109 (c) of this section.

110 (3) Unless an emergency exists, no pupil shall be expelled without a  
 111 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,  
 112 and section 4-181a, provided whenever such pupil is a minor, the  
 113 notice required by section 4-177 and section 4-180 shall also be given to  
 114 the parents or guardian of the pupil. If an emergency exists, such

115 hearing shall be held as soon after the expulsion as possible.

116 (b) For purposes of conducting expulsion hearings as required by  
 117 subsection (a) of this section, any local or regional board of education  
 118 or any two or more of such boards in cooperation may establish an  
 119 impartial hearing board of one or more persons. No member of any  
 120 such board or boards shall be a member of the hearing board. The  
 121 hearing board shall have the authority to conduct the expulsion  
 122 hearing and render a final decision in accordance with the provisions  
 123 of sections 4-176e to 4-180a, inclusive, and section 4-181a.

124 (c) (1) In determining the length of an expulsion and the nature of  
 125 the alternative educational opportunity to be offered under subsection  
 126 (d), the local or regional board of education, or the impartial hearing  
 127 board established pursuant to subsection (b) of this section, may  
 128 receive and consider evidence of past disciplinary problems which  
 129 have led to removal from a classroom, suspension or expulsion of such  
 130 pupil.

131 (2) For any pupil expelled for the first time pursuant to this section  
 132 and who has never been suspended pursuant to section 10-233c, as  
 133 amended by this act, the local or regional board of education may  
 134 shorten the length of or waive the expulsion period if the pupil  
 135 successfully completes a board specified program and meets any other  
 136 conditions required by the board.

137 (d) Notwithstanding the provisions of subsection (a) of section 10-  
 138 220, local and regional boards of education shall only be required to  
 139 offer an alternative educational opportunity in accordance with this  
 140 section. Any pupil under sixteen years of age who is expelled shall be  
 141 offered an alternative educational opportunity during the period of  
 142 expulsion, provided any parent or guardian of such pupil who does  
 143 not choose to have his or her child enrolled in an alternative program  
 144 shall not be subject to the provisions of section 10-184. Any pupil  
 145 expelled for the first time who is between the ages of sixteen and  
 146 eighteen and who wishes to continue his or her education shall be

147 offered an alternative educational opportunity if he or she complies  
148 with conditions established by his or her local or regional board of  
149 education. Such alternative may include, but shall not be limited to, the  
150 placement of a pupil who is at least sixteen years of age in an adult  
151 education program pursuant to section 10-69. A local or regional board  
152 of education shall count the expulsion of a pupil when he was under  
153 sixteen years of age for purposes of determining whether an  
154 alternative educational opportunity is required for such pupil when he  
155 is between the ages of sixteen and eighteen. A local or regional board  
156 of education may offer an alternative educational opportunity to a  
157 pupil for whom such alternative educational opportunity is not  
158 required pursuant to this section.

159 (e) Notwithstanding the provisions of subsection (d) of this section  
160 concerning the provision of an alternative educational opportunity for  
161 pupils between the ages of sixteen and eighteen, local and regional  
162 boards of education shall not be required to offer such alternative to  
163 any pupil between the ages of sixteen and eighteen who is expelled  
164 because of conduct which endangers persons if it is determined at the  
165 expulsion hearing that the conduct for which the pupil is expelled  
166 involved (1) possession of a firearm, as defined in 18 USC 921, as  
167 amended from time to time, or deadly weapon, dangerous instrument  
168 or martial arts weapon, as defined in section 53a-3, on school property  
169 or at a school-sponsored activity, or (2) offering for sale or distribution  
170 on school property or at a school-sponsored activity a controlled  
171 substance, as defined in subdivision (9) of section 21a-240, whose  
172 manufacture, distribution, sale, prescription, dispensing, transporting  
173 or possessing with the intent to sell or dispense, offering, or  
174 administration is subject to criminal penalties under sections 21a-277  
175 and 21a-278. If a pupil is expelled pursuant to this section for  
176 possession of a firearm or deadly weapon the board of education shall  
177 report the violation to the local police department or in the case of a  
178 student enrolled in a regional vocational-technical school to the state  
179 police. If a pupil is expelled pursuant to this section for the sale or  
180 distribution of such a controlled substance, the board of education

181 shall refer the pupil to an appropriate state or local agency for  
 182 rehabilitation, intervention or job training, or any combination thereof,  
 183 and inform the agency of its action. Whenever a local or regional board  
 184 of education notifies a pupil between the ages of sixteen and eighteen  
 185 or the parents or guardian of such pupil that an expulsion hearing will  
 186 be held, the notification shall include a statement that the board of  
 187 education is not required to offer an alternative educational  
 188 opportunity to any pupil who is found to have engaged in the conduct  
 189 described in this subsection.

190 (f) (1) Whenever a pupil is expelled pursuant to the provisions of  
 191 this section, notice of the expulsion and the conduct for which the  
 192 pupil was expelled shall be included on the pupil's cumulative  
 193 educational record. Such notice, except for notice of an expulsion  
 194 based on possession of a firearm or deadly weapon as described in  
 195 subsection (a) of this section, shall be expunged from the cumulative  
 196 educational record by the local or regional board of education if a  
 197 pupil graduates from high school, except as provided for in  
 198 subdivision (2) of this subsection.

199 (2) In the case of a pupil for which the length of the expulsion  
 200 period is shortened or the expulsion period is waived pursuant to  
 201 subdivision (2) of subsection (c) of this section, such notice shall be  
 202 expunged from the cumulative educational record by the local or  
 203 regional board of education (A) if the pupil graduates from high  
 204 school, or (B) if the board so chooses, at the time the pupil completes  
 205 the board specified program and meets any other conditions required  
 206 by the board pursuant to said subdivision (2), whichever is earlier.

207 (g) A local or regional board of education may adopt the decision of  
 208 a pupil expulsion hearing conducted by another school district  
 209 provided such local or regional board of education or impartial  
 210 hearing board shall hold a hearing pursuant to the provisions of  
 211 subsection (a) of this section which shall be limited to a determination  
 212 of whether the conduct which was the basis for the expulsion would  
 213 also warrant expulsion under the policies of such board. The pupil

214 shall be excluded from school pending such hearing. The excluded  
215 student shall be offered an alternative educational opportunity in  
216 accordance with the provisions of subsections (d) and (e) of this  
217 section.

218 (h) Whenever a pupil against whom an expulsion hearing is  
219 pending withdraws from school after notification of such hearing but  
220 before the hearing is completed and a decision rendered pursuant to  
221 this section, (1) notice of the pending expulsion hearing shall be  
222 included on the pupil's cumulative educational record and (2) the local  
223 or regional board of education or impartial hearing board shall  
224 complete the expulsion hearing and render a decision. If such pupil  
225 enrolls in school in another school district, such pupil shall not be  
226 excluded from school in the other district pending completion of the  
227 expulsion hearing pursuant to this subsection unless an emergency  
228 exists, provided nothing in this subsection shall limit the authority of  
229 the local or regional board of education for such district to suspend the  
230 pupil or to conduct its own expulsion hearing in accordance with this  
231 section.

232 (i) Prior to conducting an expulsion hearing for a child requiring  
233 special education and related services described in subparagraph (A)  
234 of subdivision (5) of section 10-76a, a planning and placement team  
235 shall convene to determine whether the misconduct was caused by the  
236 child's disability. If it is determined that the misconduct was caused by  
237 the child's disability, the child shall not be expelled. The planning and  
238 placement team shall reevaluate the child for the purpose of modifying  
239 the child's individualized education program to address the  
240 misconduct and to ensure the safety of other children and staff in the  
241 school. If it is determined that the misconduct was not caused by the  
242 child's disability, the child may be expelled in accordance with the  
243 provisions of this section applicable to children who do not require  
244 special education and related services. Notwithstanding the provisions  
245 of subsections (d) and (e) of this section, whenever a child requiring  
246 such special education and related services is expelled, an alternative



247 educational opportunity, consistent with such child's educational  
248 needs shall be provided during the period of expulsion.

249 (j) An expelled pupil may apply for early readmission to school.  
250 Except as provided in this subsection, such readmission shall be at the  
251 discretion of the local or regional board of education. The board of  
252 education may delegate authority for readmission decisions to the  
253 superintendent of schools for the school district. If the board delegates  
254 such authority, readmission shall be at the discretion of the  
255 superintendent. Readmission decisions shall not be subject to appeal to  
256 Superior Court. The board or superintendent, as appropriate, may  
257 condition such readmission on specified criteria.

258 (k) Local and regional boards of education shall submit to the  
259 Commissioner of Education such information on expulsions for the  
260 possession of weapons as required for purposes of the Gun-Free  
261 Schools Act of 1994, 20 USC 8921 et seq., as amended from time to  
262 time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	10-233c
Sec. 2	<i>July 1, 2007</i>	10-233d

Section 1	<i>July 1, 2007</i>	10-233c
Sec. 2	<i>July 1, 2007</i>	10-233d

***ED***      *Joint Favorable*